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November 9, 2022

File No. 53439.02

Via ECF

The Honorable James B. Clark III, U.S.M.J.
United States District, District of New Jersey
Martin Luther King U.S. Court House Building
50 Walnut Street
Newark, New Jersey 07102

Re: LiveUniverse, Inc. v. Rene Muijrers, et als
Docket No.: 2:22-cv-04918-ES-JBC

Dear Judge Clark:

Our firm, together with *pro hac vice* counsel, represent defendants ViralHog, LLC; KMMT, LLC; Brent Maggio; and Ryan Bartholomew (the "Montana Defendants") in the above-mentioned matter.¹

We write in response to the November 8, 2022 letter in *Palisades Capital, Inc. v. Muijrers, et al.* Case No. 2:21-cv-20054-ES-JBC, written by Ms. Maria Guerrero, *pro hac vice* counsel for Palisades Capital, Inc. (*Palisades* Doc. 56).

The Court's November 3, 2022 Letter Order in this matter (Doc. 31) stayed the deadline for defendants to answer or respond to LiveUniverse, Inc.'s Complaint pending disposition of the (then) seemingly forthcoming motion to amend in the *Palisades* case, which Palisades' counsel were to file no later than Friday, November 4. It likewise administratively terminated the Montana Defendants' motion to dismiss, subject to a later request by the Montana Defendants to reinstate the motion following a decision on the *Palisades* motion to amend.

Ms. Guerrero's November 8 letter in *Palisades* indicates Plaintiff Palisades has decided there will be no such motion to amend the *Palisades* complaint, at least at this time.

The Montana Defendants have also reviewed a letter submitted November 8, 2022 in the *Palisades* matter by Mr. Steven Karg, counsel for *Palisades* defendants Rene Muijrers and ICONV SPRL. If the *Palisades* Court is inclined to grant Mr. Karg's request to reinstate and rule on the motion

¹ The Montana Defendants submit this letter without prejudice to, or waiver of, any defenses, including but not limited to, lack of service of process or lack of jurisdiction.

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to dismiss previously filed by Mr. Muijers and ICONV SPRL, the Montana Defendants think it prudent to continue the stay in this matter until the *Palisades* Court considers and renders a decision on Mr. Muijers and ICONV SPRL's motion to dismiss. For the same reasons as set forth in our letter from November 2 (Doc. 29), while a continued stay in this matter will delay a resolution to our motion to dismiss, we believe resolving the similar issues likely to be raised in the longer-running *Palisades* case will ultimately move this matter forward more promptly and conserve judicial economy.

We appreciate the Court's consideration.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH, LLP

s/ James S. Rehberger

James S. Rehberger, Esq.

WORDEN THANE P.C.

s/ Martin Rogers

Martin Rogers, Esq. *Admitted Pro Hac Vice*

JSR

cc: All counsel of Record (via ECF)